

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only	
Identification of IPEA	Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
International application No. US03/29062	International filing date (day/month/year) 16 September 2003 (16.9.2003)
(Earliest) Priority date (day/month/year) 22 October 2002 (22.10.2002)	
Title of invention METHOD AND GENE THERAPY AGENT FOR TREATING VULNERABLE PLAQUE	
Box No. II APPLICANT(S)	
Name and address: MEDTRONIC VASCULAR INC. IP Legal Department 3576 Unocal Place Santa Rosa, CA 95403 US	Telephone No. 707-525-1011 Facsimile No. 707-543-5420 Teleprinter No. Applicant's registration No. with the Office
State (that is, country) of nationality: US	State (that is, country) of residence: US
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
State (that is, country) of nationality: State (that is, country) of residence:	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	
State (that is, country) of nationality: State (that is, country) of residence:	
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.	

BEST AVAILABLE COPY

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is agent common representative

and has been appointed earlier and represents the applicant(s) also for international preliminary examination.

is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.

is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: (*Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.*)

JARO, Michael J.
Medtronic Vascular Inc.
IP Legal Department
3576 Unocal Place
Santa Rosa, CA 95403
US

Telephone No.

707-566-1746

Facsimile No.

707-543-5420

Teleprinter No.

Agent's registration No. with the Office
34,472

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments:***

1. The applicant wishes the international preliminary examination to start on the basis of:

the international application as originally filed
the description as originally filed
 as amended under Article 34

the claims as originally filed
 as amended under Article 19 (together with any accompanying statement)
 as amended under Article 34

the drawings as originally filed
 as amended under Article 34

2. The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. The applicant wishes the start of the international preliminary examination to be postponed until the expiration of the applicable time limit under Rule 69.1(d).

4. The applicant expressly wishes the international preliminary examination to start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: English

which is the language in which the international application was filed.
 which is the language of a translation furnished for the purposes of international search.
 which is the language of publication of the international application.
 which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

		For international Preliminary Examining Authority use only
		received not received
1. translation of international application	sheets	<input type="checkbox"/> <input type="checkbox"/>
2. amendments under Article 34	sheets	<input type="checkbox"/> <input type="checkbox"/>
3. copy (or, where required, translation) of amendments under Article 19	sheets	<input type="checkbox"/> <input type="checkbox"/>
4. copy (or, where required, translation) of statement under Article 19	sheets	<input type="checkbox"/> <input type="checkbox"/>
5. letter	sheets	<input type="checkbox"/> <input type="checkbox"/>
6. other (specify)	sheets	<input type="checkbox"/> <input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> fee calculation sheet | 5. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> original separate power of attorney | 6. <input type="checkbox"/> sequence listings in computer readable form |
| 3. <input type="checkbox"/> original general power of attorney | 7. <input type="checkbox"/> tables in computer readable form related to
sequence listings |
| 4. <input type="checkbox"/> copy of general power of attorney;
reference number, if any: | 8. <input checked="" type="checkbox"/> other (specify): EPO Form 1037.1 |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

Michael J. Jaro
Michael J. Jaro, Reg. 34,472, Chief Patent Counsel

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due
to CORRECTIONS under Rule 60.1(b):

- | | |
|--|--|
| 3. <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.
<input type="checkbox"/> The applicant has been informed accordingly. | 6. <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of the time limit under Rule 54bis.1(a) and item 7 or 8, below, does not apply. |
| 4. <input type="checkbox"/> The date of receipt of the demand is WITHIN the time limit of 19 months from the priority date as extended by virtue of Rule 80.5. | 7. <input type="checkbox"/> The date of receipt of the demand is WITHIN the time limit under Rule 54bis.1(a) as extended by virtue of Rule 80.5. |
| 5. <input type="checkbox"/> Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82. | 8. <input type="checkbox"/> Although the date of receipt of the demand is after the expiration of the time limit under Rule 54bis.1(a), the delay in arrival is EXCUSED pursuant to Rule 82. |

For International Bureau use only

Demand received from IPEA on:

PCT

FEE CALCULATION SHEET

Annex to the Demand

International application No. US03/29062	For International Preliminary Examining Authority use only
Applicant's or agent's file reference P1312 PCT	Date stamp of the IPEA
Applicant MEDTRONIC VASCULAR INC., et al.	
CALCULATION OF PRESCRIBED FEES	
1. Preliminary examination fee	1,530.00 P
2. Handling fee (<i>Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.</i>)	159.00 H
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	EUR 1,689.00 TOTAL
MODE OF PAYMENT	
<input checked="" type="checkbox"/> authorization to charge deposit account with the IPEA (see below)	<input type="checkbox"/> cash
<input type="checkbox"/> cheque	<input type="checkbox"/> revenue stamps
<input type="checkbox"/> postal money order	<input type="checkbox"/> coupons
<input type="checkbox"/> bank draft	<input type="checkbox"/> other (<i>specify</i>): _____
AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT (<i>This mode of payment may not be available at all IPEAs</i>)	
IPEA/ _____ EP	
<input checked="" type="checkbox"/> Authorization to charge the total fees indicated above.	Deposit Account No.: 28300411
<input checked="" type="checkbox"/> (<i>This check-box may be marked only if the conditions for deposit accounts of the IPEA so permit</i>) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	Date: 5/16/2004
Name: Michael J. Jaro	
Signature: <u>Michael J. Jaro</u>	